



**U.S. Army Corps  
of Engineers**  
Baltimore District

# Public Notice

**In Reply Refer To CENAB-OP-R  
Repairs Following April 28, 2002 Tornado  
Special Public Notice # 02-08**

**Date May 7, 2002**

The purpose of this notice is to inform the public that repairs to public and private property, caused by the Tornado on April 28, 2002, and associated weather conditions, may be authorized as below.

This public notice clarifies that the repair, rehabilitation, or replacement of those structures damaged or destroyed by the tornado that occurred on April 28, 2002, is authorized provided the repair, rehabilitation, or replacement is completed by April 28, 2004. If activities cannot be completed by April 28, 2004, a written extension must be secured from the Baltimore District.

## **Authorized Activities:**

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure, or fill, or of any currently serviceable structure or fill is authorized for purposes of Section 10 of the River and Harbor Act of 1899 and/or Section 404 of the Clean Water Act as published in the January 15, 2002 Federal Register, Final Notice of Issuance, Reissuance, and Modification of Nationwide Permits (NWP) (67 FR Vol 10), NWP number (3), provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make repair, rehabilitation, or replacement are permitted, provided the adverse environmental effects resulting from such repair, rehabilitation, or replacement are minimal. Currently serviceable prior to damage that occurred on April 28, 2002, means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction, unless the structure or fill was completely destroyed by a storm, flood, fire, or other discrete event.

## **Emergency Actions:**

For emergency actions not covered in the paragraph above, Division Engineers are authorized to approve special procedures in emergency situations. An "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen and significant economic hardship, if corrective action requiring a permit is not undertaken within a time period less than normal time needed to process the application under standard procedures. Even in an emergency situation, reasonable efforts will be made to receive comments from interested Federal, State, and local agencies and the affected public [33 CFR 325.2(e)(4)]. Such actions require notification to the appropriate U.S. Army Corps of Engineers permits section for authorization to proceed. Notification will require identification of the project proponent, a point of contact, work description, photographs of the site, and the location of the work to be performed. Work that qualifies as "non-reporting" for Category I under the Maryland State Programmatic General Permit does not require separate Federal authorization.

The removal of floatable debris material does not require Department of the Army authorization. Any inquiries regarding these authorizations are to be directed to the applicable Permit Section at the U.S. Army Corps of Engineers, Baltimore District, as indicated below.

Maryland Section Northern (410) 962-4252 (Allegany, Anne Arundel, Baltimore, Carroll, Frederick, Garrett, Harford, Washington Counties and Baltimore City)

Maryland Section Southern (410) 962-4500 (Calvert, Caroline, Cecil, Charles, Dorchester, Howard, Kent, Montgomery, Prince George's, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties, District of Columbia, and Military Bases in Northern Virginia)

/s/

Linda A. Morrison  
Chief, Regulatory Branch